

ERIE COUNTY LEGISLATURE
MEETING NO. 2
January 14, 2004

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Kuwik.

Item 1 – CHAIRMAN HOLT directed that the Rules of Legislature for 2004 remain on the table.

Item 2 – CHAIRMAN HOLT directed that the Nomination & Election of Clerk remain on the table.

Item 3 – CHAIRMAN HOLT called for nominations for the Minority Leader of the Legislature for 2004.

MS. CHASE placed in nomination for Minority Leader of the Legislature **MICHAEL H. RANZENHOFER**. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MS. CHASE moved that nominations be closed. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that the communication for the appointment of Minority Leader for the year 2004 be RECEIVED, FILED & PRINTED.

January 14, 2004

We, the undersigned members of the Erie County Legislature, pursuant to the 2004 rules of the Erie County Legislature, do hereby designate **Michael H. Ranzenhofer** as Minority Leader of the Erie County Legislature.

MICHAEL H. RANZENHOFER

DENISE E. MARSHALL

ELISE M. CUSACK

JEANNE Z. CHASE

STEVEN P. McCARVILLE

BARRY A. WEINSTEIN

Item 4 – CHAIRMAN HOLT directed that the communication for the appointment of Majority Staff be RECEIVED, FILED & PRINTED.

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

*** See meeting 4 for appointment of Minority Staff.

January 14, 2004

Hon. George A. Holt, Jr. Chairman,
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, NY 14202

Dear Chairman Holt,

The following have been named to serve as members of the staff of the Majority of the Erie County Legislature:

William Benfanti -Chief of Staff Legislature
 Theresa Kennedy Tiedemann- First Administrative Assistant Legislature
 Robert Graber -Administrative Liaison Assistant Legislature
 Timothy Callan -Sr. Administrative Assistant Legislature
 Jeremey Rosen -Administrative Assistant Legislature
 Janet Jamison -Administrative Assistant Legislature
 Paul Henderson -Sr. Administrative Clerk Legislature

In accordance with Rule 5 (2003), I hereby reserve the right to make additional appointments to Majority Staff at a later date, subject to budgetary limitations.

Very truly yours,
 Lynn M. Marinelli
 Majority Leader
 Erie County Legislature

Item 5 – CHAIRMAN HOLT directed that the communication designating the Minority Counsel for the year 2004 be RECEIVED, FILED & PRINTED.

January 14, 2004

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, pursuant to the 2004 rules of the Erie County Legislature, do hereby designate **Ronald P. Bennett** to serve as **Counsel to the Minority** of the Erie County Legislature in his capacity as Counsel - Legislature RPT.

MICHAEL H. RANZENHOFER
 CHARLES M. SWANICK
 STEVEN P. McCARVILLE
 BARRY A. WEINSTEIN

DENISE E. MARSHALL
 JEANNE Z. CHASE
 ELISE M. CUSACK

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

Item 6 – CHAIRMAN HOLT directed that the communications designating the Minority Newspapers for the year 2004 be RECEIVED, FILED & PRINTED.

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, pursuant to Section 214, Subdivision 2 of the County Law, as amended, do hereby designate the following newspaper, VIZ: **The Sun & Erie County Independent Newspaper**, published in Hamburg, New York, having general circulation in the County of Erie, as the official newspaper for the publication of all local laws, notices and other matters required by law to be published for the County of Erie, effective January 14, 2004.

MICHAEL H. RANZENHOFER
 JEANNE Z. CHASE
 ELISE M. CUSACK

DENISE E. MARSHALL
 STEVEN P. McCARVILLE
 BARRY A. WEINSTEIN

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, hereby designate the following newspaper, **Amherst Bee**, published in Williamsville, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2004, effective January 14, 2004

MICHAEL H. RANZENHOFER
 JEANNE Z. CHASE
 ELISE M. CUSACK

DENISE E. MARSHALL
 STEVEN P. McCARVILLE
 BARRY A. WEINSTEIN

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 –Minutes of previous meeting were tabled.

Item 10 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – MR. SWANICK, REPUBLICAN CAUCUS, ET AL presented a resolution Congratulating Chad Kelly of Grand Island for Being One of Four Finalists in the Boys 8-9 Division, 2003 NFL Punt, Pass & Kick Nationals. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #1) 2003 remain on the table.

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

Item 13 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2003 remain on the table.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 19 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN & WROBLEWSKI. NOES: DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER & SMITH. (AYES – 8, NOES – 7)

CARRIED.

MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

RESOLUTION NO. 4

Re: Personal Adjustments – Legislature

(Intro. 2-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
 WROBLEWSKI, CHASE, CUSACK, MARSHALL,
 McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN

WHEREAS, periodically, due to changes in the composition of the Erie County Legislature and the Legislative Staff, the Erie County Legislature deems it necessary to make certain personnel adjustments so as to ensure the continuity of services to the County, and

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of EXEC ASST LEG: Position No. 001047; and one (1) position of FIRST ADM ASST LEG: Position No. 001666; and one (1) position of ADMIN ASST LEG: Position No. 001665; and one (1) position of ADMIN CLK LEG: Position No. 001208, all under Function 2000 -Clerk's Staff Admin, effective January 12, 2004, and be it further

RESOLVED, that the County Legislature does hereby DELETE two (2) positions of JR ADMIN ASST LEG: Position No. 001181 and Position No. 001115, all under Function 4000- Minority Staff, effective January 12, 2004, and be it further

RESOLVED, that the Erie County Legislature does hereby CREATE one (1) new position of EXEC ASST LEG (JG 14, STEP 5), one (1) new position of FIRST ADM ASST LEG (JG 13, STEP 3), one (1) new position of ADMIN ASST LEG (JG 10, STEP 3), two (2) new position of SR ADM CL LEG (JG 9, STEP 3), and one (1) new position of ADMIN CLK LEG (JG 7, STEP 3) all to Function 4000 -Minority Staff Admin, effective January 12, 2004, and be it further

RESOLVED, that the annual salary and hours for the position of COUNSEL -LEG (RPT): Position No. 001120 is hereby amended to 1040 hours per year at an hourly rate of \$28.846, and be it further

RESOLVED, that the steps in the above created positions should not be construed as Variable Minimums for those positions, but rather in accordance with the salary rules for the specific employees filling those positions, and be it further

RESOLVED, that the funds necessary to effectuate these adjustments are available within the Legislature's 2004 budget for Personal Services as a result of restructuring of the Majority Staff, Minority Staff, and the Clerk's Staff-Admin of the Erie County Legislature, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

TIMOTHY M. WROBLEWSKI
 ELISE M. CUSACK
 STEVEN P. McCARVILLE
 CHARLES M. SWANICK

JEANNE Z. CHASE
 DENISE E. MARSHALL
 MICHAEL H. RANZENHOFER
 BARRY A. WEINSTEIN, M.D.

Fiscal Impact: Reorganization of 2004 Personal Services Budget; no additional costs anticipated.

MR. RANZENHOFER moved for the approval of the resolution. MR. WROBLEWSKI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, KUWIK, SCHROEDER & WROBLEWSKI. NOES: DeBENEDETTI, HOLT, MARINELLI & SMITH. (AYES – 11, NOES – 4)

CARRIED.

Item 20 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

Re: Legislature Personnel Adjustments.
 (Intro. 2-2)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT AND MARINELLI

WHEREAS, from time to time certain personnel adjustments are necessary to address the staffing needs of the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby delete one (1) position of COUNSEL - LEG (RPT) under Function 3000 -Majority Staff at an annual salary of \$49,254 effective January 12, 2004, and be it further

RESOLVED, that the Erie County Legislature does hereby create two (2) new positions of COUNSEL -LEG (RPT) under Function 3000 -Majority Staff at an annual salary of \$24,627 effective January 12, 2004, and be it further

RESOLVED, that the funds necessary to effectuate these adjustments are available within the Legislature's 2004 budget for Personal Services, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

Fiscal Impact: Reorganization of 2004 Personal Services Budget.

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

- After the 1st WHEREAS, ADD the following:

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County legislature does hereby delete one (1) position of COUNSEL - LEG (RPT) under Function 3000 -Majority Staff at an annual salary of \$49,254 effective January 12, 2004, and be it further

RESOLVED, that the Erie County legislature does hereby create two (2) new positions of COUNSEL -LEG (RPT) under Function 3000 -Majority Staff at an annual salary of \$24,627 effective January 12, 2004, and be it further

RESOLVED, that the funds necessary to effectuate these adjustments are available within the legislature's 2004 budget for Personal Services, and be it further

RESOLVED, that the Clerk of the legislature, the Commissioner of the Department of Personnel, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

Fiscal Impact: Reorganization of 2004 Personal Services Budget.

MS. MARINELLI moved the approval the resolution as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

Re: Consideration for Public Benefit Funding.
(Intro. 2-3)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED</u>	<u>SPONSOR</u>
	<u>AMOUNT</u>	
Union Occupational Health Center	\$45,000	DUSZA
Pulaski Day Parade	\$10,000	DUSZA
Cheektowaga Town Court	\$5,000	DUSZA
TOTAL	\$60,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None.

MS. MARINELLI moved to amend the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

- DELETE the first **RESOLVED** Clause in its entirety and replace with the following:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, in the intervening six (6) months various establishments, restaurants, bars, bowling alleys and bingo parlors, have seen a significant decrease in business or have closed altogether as a result of the smoking ban, and

WHEREAS, the legislation passed by NYS contained a provision which allowed County Departments of Health to provide for waivers from the law to businesses if certain specific conditions were present, and

WHEREAS, the conditions required under the legislation were if compliance would cause undue financial hardship to the business or if other factors existed that would render compliance unreasonable as long as the waiver adhered to the spirit of the smoking ban by limiting exposure to second-hand smoke, and

WHEREAS, in December 2003, the NYS DOH offered guidance to County Departments of Health for dealing with waiver applications, and

WHEREAS, a copy of the December 2003 guidance from the NYS DOH is attached for your information, and

WHEREAS, to date, the Erie County Department of Health has not issued any waivers to any establishment in Erie County nor has the Department delineated a policy for considering waiver applications, and

WHEREAS, nearly 200 establishments have applied to the EC Department of Health for a waiver from the smoking ban, and

WHEREAS, the EC Department of Health is in the process of considering its waiver procedures as a result of a court order, and

WHEREAS, the Department expects to release its waiver procedure by January 23, 2004, and

WHEREAS, on the January 9, 2004, the Erie County Legislature held three (3) public hearings regarding the waiver procedure and received various input from the public on the waiver procedure,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the EC Department of Health to adopt a fair and equitable waiver procedure as soon as possible to assist the businesses hurt under the smoking ban, and be it further

RESOLVED, that this Honorable Body does hereby urge the EC Department of Health to adopt the guidance provided by the NYS DOH regarding the granting of waivers of the smoking ban as the County's waiver procedure, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Health Commissioner Billittier, the NYS DOH and the Western New York delegation to the NYS Legislature.

FISCAL IMPACT: Positive for Erie County business.

MR. RANZENHOFER moved to amend to resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

- ADD the following CO-SPONSORS:

DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SMITH, WROBLEWSKI,
 CHASE & McCARVILLE

MR. RANZENHOFER moved the approval of the resolution as amended. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK,
 WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER SMITH &
 WROBLEWSKI. (AYES – 15, NOES – 0)

CARRIED UNANIMOUSLY.

Item 23 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

Re: Transfer of Public Benefits Funds.
 (Intro. 2-5)

A RESOLUTION SUBMITTED BY LEGISLATORS
 DEBENEDETTI, WROBLEWSKI, SCHROEDER,
 CHASE, SWANICK, RANZENHOFER & WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$21,000 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
City of Tonawanda Community Development Agency	830/1152	\$1,000	SWANICK
City of Tonawanda Community Development Agency	830/1152	\$1,000	SWANICK
Clarence Center Volunteer Fire Company, Inc.	830/1505	\$2,500	RANZENHOFER
Clarence Hollow Merchants Association	830/	\$3,000	RANZENHOFER
Lou Gehrig Little League, Inc.	830/1137	\$3,000	WEINSTEIN
O'Sullivan Irish Dance Parents Organization, LTD.	830/	\$2,000	SCHROEDER
Town of Boston	830/0439	\$2,000	CHASE
Village of Angola	830/0436	\$1,000	CHASE
West Side Neighborhood Housing Services, Inc.	830/	\$2,500	DEBENEDETTI
Children's Rehabilitation Foundation of Variety Club of Buffalo, West Seneca Satellite	830/	\$3,000	WROBLEWSKI
Total		\$21,000	

And be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl- First Administrative Assistant Erie County Legislature; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

MR. RANZENHOFER moved the approval of the resolution. MR SCHROEDER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 24 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 1E-51. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

Re: Collective Bargaining Agreement Between CSEA, Local 1000 AFSCME, AFL-CIO, Erie Unit Local 815 & EC for Period 1/1/04 – 12/31/06.

WHEREAS, the County of Erie and the Civil; Service Employees Association, Inc., Local 1000 A.F.S.C.M.E., AFL-CIO, Erie Unit of Local 815 ("CSEA") have reached an agreement covering working conditions, including wages and fringe benefits, for those employees of Erie County who are members of the collective bargaining unit represented by the CSEA and who are employed in the divisions and departments of the County of Erie; and

WHEREAS, said agreement provides for a three-year contract for the period from January 1, 2004 through December 31, 2006, for the purposes of wages and health care negotiations;

NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the January 1, 2000 through December 31, 2003 collective bargaining agreement between the County of Erie and the CSEA are hereby approved, except as otherwise specified and agreed to, and shall remain in full force and effect until December 31, 2006; and be it further

RESOLVED, that said benefits be extended to all eligible employees covered by said Agreement who are on the active payroll as of January 1, 2004, and that said benefits and salary schedules in percentage increases be extended to all eligible employees covered by said Agreement who are on the active payroll as of January 1, 2005; and be it further

RESOLVED, that effective January 1, 2004, the health insurance benefits negotiated in the collective bargaining agreement are amended to provide that eligible employees who retire after the effective period of the collective bargaining agreement and those eligible employees who retired on or after January 1, 2003 shall have a single provider for health insurance; and be it further

RESOLVED, that said insurance benefits be extended to all eligible employees covered by said Agreements who are on the active payroll after ratification of this agreement; and be it further

RESOLVED, that the health insurance benefits negotiated in these Agreements be extended to all eligible former employees who retired on or after January 1, 2003; and be it further

RESOLVED, that the County Executive be authorized to enact said Agreements; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Personnel Department, Division of Labor Relations, Division of Budget, Management and Finance, the Buffalo and Erie County Public Libraries, Erie Community College, the ECMC network, and the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1E-26. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

Re: Replacement Communication Resolution
 Authorizing Execution of a Guarantee Agreement
 Between County of Erie and Erie County Medical
 Corporation.

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE EXECUTION OF A GUARANTEE AGREEMENT BETWEEN THE COUNTY AND THE ERIE COUNTY MEDICAL CENTER CORPORATION PROVIDING FOR THE GUARANTEE OF OBLIGATIONS TO BE ISSUED BY SUCH CORPORATION IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$85,000,000 OUTSTANDING AT ANY TIME, TOGETHER WITH INTEREST THEREON, AND PROVIDING FOR THE GUARANTEE OF OBLIGATIONS TO BE INCURRED BY SUCH CORPORATION UNDER AN INTEREST RATE EXCHANGE AGREEMENT, TO FINANCE THE COSTS OF THE TRANSFER BY THE COUNTY OF CERTAIN FACILITIES AND OPERATIONS OF THE ERIE COUNTY MEDICAL CENTER NETWORK TO SUCH CORPORATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

WHEREAS, the Erie County Medical Center Corporation ("ECMCC") is a public benefit corporation authorized to issue its bonds and notes to finance the costs of transfer by Erie County (the "County") of the facilities and operations of the Erie County Medical Center Healthcare Network (the "Network") to ECMCC pursuant to applicable provisions of state law; and

WHEREAS, the County is authorized pursuant to applicable provisions of state law to lend its credit to or in aid of ECMCC for the purpose of providing health related facilities or hospital facilities, and for facilities incidental or appurtenant thereto; and

WHEREAS, the County expects to guarantee the payment of such ECMCC bonds and any notes issued in anticipation of the issuance of such bonds in accordance with the Memorandum of Understanding by and between the County and ECMCC dated as of December 23, 2003 (the "MOU"); and

WHEREAS, the County also expects to guarantee the payment of amounts required to be paid from time to time under an interest rate exchange agreement (sometimes otherwise called as an interest rate swap) entered into by ECMCC for the purpose of managing interest rate fluctuation risks associated with such of the ECMCC bonds bearing interest on a variable-rate basis (the "ECMCC Swap");

Section 1. Pursuant to the provisions of the Public Authorities Law, constituting Chapter 43-A of the Consolidated Laws of the State of New York (the "Law"), the County Executive and the County Comptroller are hereby authorized to execute and deliver a guarantee agreement between the County and ECMCC, in such form as they may approve (the "Guarantee Agreement"), providing for the pledge of the County's faith and credit to guarantee (a) payment of ECMCC bonds or any notes issued in anticipation of the issuance of such bonds, in an aggregate principal amount not to exceed \$85,000,000 outstanding at any time, together with interest thereon, to be issued by ECMCC to

finance the costs of the transfer by the County of certain facilities and operations of the Network to ECMCC in accordance with the MOU (the "ECMCC Bonds"), and (b) payment of all amounts required to be paid from time to time by ECMCC under the ECMCC Swap (provided, however, that such guarantee of payments under the ECMCC Swap shall only be executed and delivered if the payment obligations of ECMCC under the ECMCC Swap other than any termination payments that may become due thereunder are secured by an insurance policy or financial guaranty issued by a nationally recognized bond or financial guaranty insurance company).

Section 3. Pursuant to the applicable provisions of any agreements to be entered into by the County and ECMCC, the County Attorney is hereby authorized to consent in writing to the subordination of the liens and security interests granted to the County in such agreements between the County and ECMCC to any lien granted to ECMCC bondholders or noteholders with respect to bonds or notes issued by ECMCC and not guaranteed by the County pursuant to the Guarantee Agreement.

Section 4. The County Executive and the County Comptroller are hereby authorized to execute and deliver a continuing disclosure agreement, in such form as they may approve, with respect to information relating to the County and included in any offering documents distributed by underwriters in collection with the sale and issuance of the ECMCC Bonds.

Section 5. This Resolution shall take effect immediately upon approval by the County Executive.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **DELETE the EXTRACT OF MINUTES and REPLACE with the following:**

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE EXECUTION OF A GUARANTEE AGREEMENT BETWEEN THE COUNTY AND THE ERIE COUNTY MEDICAL CENTER CORPORATION PROVIDING FOR THE GUARANTEE OF OBLIGATIONS TO BE ISSUED BY SUCH CORPORATION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$106,000,000 OUTSTANDING AT ANY TIME, TOGETHER WITH INTEREST THEREON, AND PROVIDING FOR THE GUARANTEE OF OBLIGATIONS TO BE INCURRED BY I SUCH CORPORATION UNDER AN INTEREST RATE EXCHANGE AGREEMENT, TO FINANCE THE COSTS OF THE TRANSFER BY THE COUNTY OF CERTAIN FACILITIES AND OPERATIONS OF THE ERIE COUNTY MEDICAL CENTER NETWORK TO SUCH CORPORATION.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

WHEREAS, the Erie County Medical Center Corporation ("ECMCC") is a public benefit corporation authorized to issue its bonds and notes to finance the costs of transfer by Erie County (the "County") of the facilities and operations of the Erie County Medical Center Healthcare Network (the "Network") to ECMCC pursuant to applicable provisions of state law; and

WHEREAS, the County is authorized pursuant to applicable provisions of state law to lend its credit to or in aid of ECMCC for the purpose of providing health related facilities or hospital facilities, and for facilities incidental or appurtenant thereto; and

WHEREAS, the County expects to guarantee the payment of such ECMCC bonds and any notes issued in anticipation of the issuance of such bonds in accordance with the Memorandum of Understanding by and between the County and ECMCC dated as of December 23, 2003 (the "MOU"); and

WHEREAS, the County also expects to guarantee the payment of amounts required to be paid from time to time under an interest rate exchange agreement (sometimes otherwise called as an interest rate swap) entered into by ECMCC for the purpose of managing interest rate fluctuation risks associated with such of the ECMCC bonds bearing interest on a variable-rate basis (the "ECMCC Swap");

Section 1. Pursuant to the provisions of the Public Authorities Law, constituting Chapter 43-A of the Consolidated Laws of the State of New York (the "Law"), the County Executive and the County Comptroller are hereby authorized to execute and deliver a guarantee agreement between the County and ECMCC, in such form as they may approve (the "Guarantee Agreement"), providing for the pledge of the County's faith and credit to guarantee (a) payment of ECMCC bonds or any notes issued in anticipation of the issuance of such bonds, in an aggregate principal amount not to exceed \$106,000,000 outstanding at any time, together with interest thereon, to be issued by ECMCC to finance the costs of the transfer by the County of certain facilities and operations of the Network to ECMCC in accordance with the MOU, including capitalized interest funds, capitalized costs of issuance and debt service reserve funds (the "ECMCC Bonds"), and (b) payment of all amounts required to be paid from time to time by ECMCC under the ECMCC Swap (provided, however, that such guarantee of payments under the ECMCC Swap shall only be executed and delivered if the payment obligations of ECMCC under the ECMCC Swap other than any termination payments that may become due thereunder are secured by an insurance policy or financial guaranty issued by a nationally recognized bond or financial guaranty insurance company).

Section 2. Pursuant to the applicable provisions of any agreements to be entered into by the County and ECMCC, the County Attorney is hereby authorized to consent in writing to the subordination of the liens and security interests granted to the County in such agreements between the County and ECMCC to any lien granted to ECMCC bondholders or noteholders with respect to bonds or notes issued by ECMCC and not guaranteed by the County pursuant to the Guarantee Agreement.

Section 3. The County Executive and the County Comptroller are hereby authorized to execute and deliver a continuing disclosure agreement, in such form as they may approve, with respect to information relating to the County and included in any offering documents distributed by underwriters in connection with the sale and issuance of the ECMCC Bonds.

Section 4. This Resolution shall take effect immediately upon approval by the County Executive.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DeBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER & WROBLEWSKI. NOES: SMITH. (AYES – 14, NOES – 1)

CARRIED.

SUSPENSION OF THE RULES

Item 26 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. SMITH seconded.

GRANTED.

Comm. 2E-3 From CHAIRMAN HOLT Re: Committee Assignments.

RECEIVED, FILED & PRINTED.

2004 COMMITTEE ASSIGNMENTS

ECONOMIC DEVELOPMENT

Chair: Mark J. F. Schroeder
 Vice Chair: Edward J. Kuwik
 Members: Demone A. Smith

Clerk: Timothy Callan

FINANCE & MANAGEMENT

Chair: Albert DeBenedetti
 Vice Chair: Lynn M. Marinelli
 Members: Demone A. Smith

HUMAN SERVICES

Chair: Demone A. Smith
 Vice Chair: Albert DeBenedetti
 Members: Mark J. F. Schroeder

Clerk: Paul Henderson

COMMUNITY ENRICHMENT

Chair: Timothy M. Wroblewski
 Vice Chair: Mark J. F. Schroeder
 Members: Lynn M. Marinelli

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

Clerk: Timothy Callan

Clerk: Paul Henderson

ENERGY & ENVIRONMENT

GOVERNMENT AFFAIRS

Chair: Raymond K. Dusza

Chair: Lynn M. Marinelli

Vice Chair: Edward J. Kuwik

Vice Chair: Raymond K. Dusza

Members: Lynn M. Marinelli

Members: Albert DeBenedetti

Clerk: Jeremey Rosen

Clerk: Janet Jamison

PUBLIC SAFETY

Chair: Edward J. Kuwik

Vice Chair: Timothy M. Wroblewski

Members: Raymond K. Dusza

Clerk: Jeremey Rosen

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIRMAN HOLT

Item 27 – (Comm. 2E-1) Notice of Regular Session to be Held 1/14/04.

RECEIVED, FILED & PRINTED.

January 9, 2004

Laurie A. Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue -7th Floor
 Buffalo, New York 14202

Dear Ms. Manzella:

Be advised that, pursuant to Rule No. 2.01 of the Erie County Legislature's *RULES OF ORDER*, I am scheduling the second regular Session of January 2004 (originally listed as "TBA" on Communication 1 E-23) for Wednesday, January 14, 2003 at 2:00 p.m.

Please notify all legislators of this change.

Sincerely,

GEORGE A. HOLT, JR.
 Chairman

MEETING NO. 2
January 14, 2004

ERIE COUNTY LEGISLATURE

Item 28 – (Comm. 2E-2) Notice of Information Only Meeting Held 1/12/04 Re: ECMC Corporation Agreement.

Received and filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 29 – (Comm. 2D-1) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 30 – (Comm. 2D-2) Change of January 2004 Session Date from “TBA” to 1/14/04.

RECEIVED, FILED & PRINTED.

January 9, 2004

To: All Erie County Legislators & Staff
 From: Laurie A. Manzella, Clerk
 Subject: CHANGE OF JANUARY 2004 SESSION DATE
 FROM "TBA" TO WEDNESDAY, JANUARY 14, 2004

The Session of the Erie County Legislature originally listed as "TBA" on Communication 1 E-23 has been changed.

Chairman George A. Holt, Jr. has scheduled the second regular January Session for **Wednesday, January 14, 2004, at 2:00 p.m.** in the Chambers of the Erie County Legislature.

This change will not affect any other previously scheduled Session dates.

Be advised .that the clock-in deadline for items to be considered at the January 14th Session will be before 11:00 a.m. on Monday, January 12, 2004.

ATTACHMENT-1

c: Hon. Joel A. Giambra, County Executive (w/ Attachment)
 Hon. Frank J. Clark, District Attorney (w/ Attachment)
 Hon. Patrick M. Gallivan, Sheriff (w/ Attachment)
 Hon. Nancy A. Naples, Comptroller (w/ Attachment)
 Hon. David J. Swarts, County Clerk (w/ Attachment)

Other Interested Parties (*w/ Attachment*)

FROM ECC

Item 31 – (Comm. 2D-3) Notice of Board of Trustees Meeting to be Held 1/21/04.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 32 – (Comm. 2D-4) Notice of Board of Trustees Meeting to be Held 1/15/04 & Minutes of Meeting Held 12/18/03.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 33 – (Comm. 2M-1) Notice of Meeting to be Held 1/15/04 & Minutes of Meeting Held 12/8/03.

Received and filed.

FROM KELLY A. WAHL

Item 34 – (Comm. 2M-2) Letter to Legislature Clerk Re: Resignation from EC Legislature Staff Effective 1/9/04.

Received and filed.

FROM NYSDEC

Item 35 – (Comm. 2M-3) Fact Sheet Re: Clean-Up Work at Scott Aviation, Town of Lancaster.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 36 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Sean P. Galliher, Jr.

Item 37 – - Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Aaron J. Sikora.

Item 38 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Kristina Marie Wirth.

Item 39 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Max Shtein.

Item 40 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Grace Floss.

Item 41 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Earl Emmons.

Item 42 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Florence Hazard.

Item 43 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Emery Younkins.

ADJOURNMENT

Item 44 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARENELLI moved that the Legislature adjourn until 2 p.m. Thursday, January 22, 2004. MR. RANZENHOFER seconded.

The Clerk declared the Legislature adjourned until Thursday, January 22, 2004 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**